

Remarks

Claims 1 - 14 are in the application for consideration.

1. Applicant acknowledges the allowance of claims 1 - 10.

2. Claims 11 - 14 have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. In support of the rejection the examiner, in reference to the method recited in claim 11, has stated:

[T]his process might be performed without the aid of any technology and therefore the claimed method is not within the technological arts.

Applicant traverses this ground of rejection. Claims 11 - 14 comply fully with the criteria for patentability established by 35 U.S.C. § 101.

Initially, it should be recognized that the examiner has not correctly characterized the subject matter of claim 11. In referring to claim 11, the examiner has omitted any mention of the fact that the claim is directed to a "... method for a user to order customized identification documents over a network ..." (emphasis added). The claimed method includes a number of method steps which can lead to the delivery of an identification document to a user. Thus, the claimed

Appl. No. 09/774,762  
Request for Reconsideration dated March 19, 2004  
Reply to Office Action of December 23, 2003

method produces a concrete tangible and useful result and complies with 35 U.S.C. § 101. See *AT&T v Excel Communications, Inc.*, 172 F3d at 1358, 50 USPQ 2d at 1452 (cited by the examiner).

The examiner's statement that applicant's method recited in claim 11 "... might be performed without the aid of any technology..." is at odds with the facts of record. The method of claim 11 is carried out over a network which, as described in the specification, may be the Internet. See, for example, page 1, lines 9 - 11 and page 5, lines 19 -20.

The method recited in claims 11 - 14 falls within the "process" category of the four enumerated categories of patentable subject matter in § 101. The claims are not drawn to any impermissible subject matter such as any judicially-created exceptions to the statutory categories of § 101.

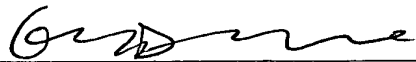
Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

In summary, claims 11 - 14 have been shown to be drawn to a statutory category of patentable subject

Appl. No. 09/774,762  
Request for Reconsideration dated March 19, 2004  
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matter. Reconsideration of the application and  
allowance of claims 1 - 14 are respectfully solicited.

Respectfully submitted,


  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 19, 2004

  
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